

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JUNE 23, 2015 – 7:00 P.M.

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Dr. Whibley from today's meeting.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Robert Rivera**, for the closing, vacating and discontinuing portions of **Minnesota Avenue** from the southern line of **Tait Terrace**.

Robert Rivera, 3615 Tait Terrace, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance closing, vacating and discontinuing a 50’ portion of Minnesota Avenue south of Tait Terrace and authorizing the conveyance to the abutting property owners of any interest the City may have in the underlying fee of said 50’ portion of Minnesota Avenue, contingent upon the satisfaction of certain conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Frain.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Capital Finance, Inc.**, for a change of zoning from I-2 (Light Industrial) District to Conditional C-2 (Corridor Commercial) District and for a **Special Exception** to permit mixed uses on property located at **834 44th Street**.

Robyn Thomas, 913 West 21st Street, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to rezone property located at **834 44th Street** from I-2 (Light Industrial) District to Conditional C-2 (Corridor Commercial) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Frain.

No: None.

PH-2A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit mixed uses on property located at **834 44th Street,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Frain.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Jack Wright**, for a change of zoning from R-8 (Single-Family) District to Conditional R-9 (Single-Family) District on the southern line of 43rd Street and the eastern line of **Killam Avenue** on properties located at **873-877 43rd Street.**

Thereupon, An Ordinance entitled, “An Ordinance to rezone property located at **873 to 877 43rd Street** from R-8 (Single-Family Residential) District to Conditional R-9 (Single-Family Residential) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Frain.

No: None.

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Captain's Landing, LLC, a)** to amend the **General Plan, plaNorfolk2030**, from Commercial to Residential Mixed on properties located on the southern line of **East Ocean View Avenue** and the western line on **Chesapeake Street** and extending to the southern line of **East Ocean View Avenue** and the eastern line of **Chesapeake Street** on properties located at **923 to 929 and 1001 to 1007 East Ocean View Avenue and 9640 Chesapeake Street, b)** for a change of zoning from C-2 (Corridor Commercial) District to Conditional UR (Urban Residential) District and BFRPO (Bay Front Residential Parking Overlay) district on properties located on the southern line of **East Ocean View Avenue** and **Chesapeake Street** and extending to the southern line of **East Ocean View Avenue** and the eastern line of **Chesapeake Street** on properties located at **923 to 929 and 1001 to 1007 East Ocean View Avenue and 9640 Chesapeake Street, c)** for a change of zoning from R-12 (Medium Density Multi-Family) District and BFRPO (Bay Front Residential Parking Overlay) District to Conditional UR (Urban Residential) District and BFRPO (Bay Front Residential Parking Overlay) on the southern line of **East Ocean View Avenue** to the eastern line of **Chesapeake Street** and to the southern line of **East Ocean View Avenue** to the northern line of **Hillside Avenue** of **Chesapeake Street** on properties located at **1021 and 1029 East Ocean View Avenue, 9633, 9638 Chesapeake Street, and 908 to 924 Hillside Avenue.**

Omar Boukhriss, 943 East Ocean View Avenue, spoke concerning this matter, stating that he own property in this area and that he does not want the rezoning to affect him from opening up a restaurant.

Trevor Spiers, 804 Cyrus Avenue, the applicant, Virginia Beach, was present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance to amend the **City's General Plan, plaNorfolk2030**, **SO AS TO** change the land use designation for properties located at **923 and 929 and 1001 to 1007 East Ocean View Avenue and 9640 Chesapeake Street** from Commercial to Residential Mixed," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-4A

An Ordinance entitled, “An Ordinance to rezone properties located at **923 to 929 and 1001 to 1029 East Ocean View Avenue** from C-2 (Corridor Commercial) District to Conditional UR (Urban Residential) District and BFRPO (Bay Front Residential Parking Overlay) District and properties located at **9633, 9638, and 9640 Chesapeake Street** and **908 to 924 Hillside Avenue** from R-12 (Multi-Family Residential) District and BFRPO (Bay Front Residential Parking Overlay) District to Conditional UR (Urban Residential) District and BFRPO (Bay Front Residential Parking Overlay) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a text amendment to the **City’s Zoning Ordinance** to amend Section 15-4, “Motor vehicle parking design standards” and 15-5, “Alternative parking” to allow additional parking and maneuvering areas on lots fronting certain roads in order to promote public safety.

Thereupon, An Ordinance entitled, “An Ordinance to amend **Sections 15-4.1 and 15-5 of the Zoning Ordinance of the City of Norfolk, 1992 SO AS TO** permit additional parking and maneuvering areas in the front yards of Single-Family Residential uses fronting certain streets for the purpose of promoting public safety,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, to amend the **City's General Plan, *plaNorfolk2030***, in order to make updates based on biennial evaluation and new City initiatives.

Thereupon, An Ordinance entitled, "An Ordinance to amend the **General Plan of Norfolk *plaNorfolk2030***, **SO AS TO** revise certain actions related to the **100 Resilient Cities Initiative** and to make other minor updates and corrections," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a text amendment to the **City's *Zoning Ordinance*** to amend **Table 4-B, "Yard Requirements in Residence Districts"** to modify the side yard requirements for **"Townhouse or Semi-Detached"** residential uses in the Suburban Character District.

Thereupon, An Ordinance entitled, "An Ordinance to amend Table 4-B of the **Zoning Ordinance of the City of Norfolk, 1992**, **SO AS TO** modify the side yard requirements for a **"Townhouse or Semi-Detached Dwelling" in the Suburban Character District**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Landlord Participation Agreement** between the **Downtown Norfolk Development Corporation** and the City of Norfolk for the City of Norfolk's participation in the **Vibrant Spaces Catalyst Program**.

Thereupon, An Ordinance entitled, "An Ordinance approving a Landlord Participation Agreement between the Downtown Norfolk Development Corporation and the City of Norfolk for the City of Norfolk's participation in the Vibrant Spaces Catalyst Program and approving two Lease Agreements between the City of Norfolk and two tenants to be selected by the Vibrant Spaces Catalyst Program for premises located on the first floor of the Granby Municipal Building at 400 Granby Street, Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

PH-9

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the vacation and release of a certain thirty foot easement conveyed to the City of Norfolk in 1921 over property owned by the **United States of America** in the **City of Portsmouth**, such property being a part of **Coast Guard Base Portsmouth**.

Thereupon, An Ordinance entitled, "An Ordinance approving the vacation and release of a certain thirty foot easement conveyed to the City of Norfolk in 1921 over property owned by the United States of America in the City of Portsmouth, such property being a part of the Coast Guard Base Portsmouth, and approving the relocation, vacation and release of a small portion of an Easement, located on Coast Guard Base Portsmouth, conveyed to the City of Norfolk by the United States of America in 2013," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 24, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

CONSENT AGENDA

C-1

Letter from the City Clerk transmitting an Abstract of Votes cast in the City of Norfolk at the **Democratic Primary Election** held on June 9, 2015.

ACTION: Received and filed.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the **City of Norfolk, Virginia**, of up to \$210,000,000 in **General Obligation Refunding Bonds** to refund earlier bond issues,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the **City of Norfolk, Virginia**, of up to \$75,000,000 in **Water Revenue Refunding Bonds** to refund earlier bond issues,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

R -3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Mama Zuti, LLC d/b/a Brick Anchor Brew-House** permission to encroach into the right-of-way of **Granby Street** at **241 Granby Street** approximately 54 square feet for the purpose of outdoor dining and encroachments of a canopy into **Granby Street**, a cornice onto **Tazewell Street** and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Revocable License Agreement** between the **City of Norfolk** and **Genuine Parts Company** for the use of certain City-owned property located at **1188 Lance Road** for the provision of a turn key on-site parts operation,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Ordinance No. 45,205** entitled ‘An Ordinance authorizing the conveyance to **Charles J. Beerbower** and **Donald J. Beerbower** of a certain parcel of property acquired by the City of Norfolk pursuant to **Section 58.1-3970.1** of the **Code of Virginia, 1950**, as amended, and approving the terms and conditions of the **Conveyance Agreement**’ **SO AS TO** correct the description of the property being conveyed,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting the **Hurrah Players, Inc.** to encroach into the right-of-way of **Wilson Avenue** and a service alley at **112-116 W. Wilson Avenue** with a polycarbonate vertical element and an emergency egress door,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.
Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.
No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend **Chapter 42, Article I of the Code** of the **City of Norfolk, Virginia, 1979**, **SO AS TO** authorize a permit process and standards for the installation of wayfinding signs in the public right-of-way consistent with the **Integrated Directional Signing Program of the Virginia Department of Transportation**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 23, 2015.
Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.
No: None.

R-8

A Resolution entitled, “A Resolution appointing or reappointing **(7) persons to (2) boards** for certain terms,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 23, 2015.
Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.
No: None.

R-9

A Resolution entitled, “A Resolution appointing and reappointing **Courtney Doyle, Brad Robinson, Yvonne Wagner, and Tanya Bhasin** to the **School Board** of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 23, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: None.

NEW BUSINESS

1. Nancy Tucker, 255 North Blake Road, Zoo Aide and April Yoder, 1537 East Ocean View Avenue, Elephant Professional, spoke concerning the change of management at the Zoo, loss of employees and the requirements set force by the AZA to maintain the elephant program.
2. Sarah Peoples Perry, 405 Pendleton Avenue, Southside Coalition, spoke concerning the purchasing of furniture for the new school, stating that quality and durability furniture should be purchased for an effective learning environment.
3. Mona Danner, 955 Bolling Avenue, Unit 207, Todd Farrand, 953 Bolling Avenue and Miriam Palmer, 805 Jamestown Crescent, stated that in the beginning Landings@Bolling Square was a condo community and now the developer wants to build apartments which will cause the area to be impacted due to limited access on entrance and exit. The increase of additional parking spaces, traffic and safety issues are a big concern because the condos/apartments are within two blocks from St. Patrick and Larchmont Elementary schools. They want the developer to stick to the original plan for that area.
4. Woodrow W. Moore, Jr., 2787 Tait Terrace, asked the City for help as a small business owner.
5. Tom Forrest, 9483 Mooring Drive, expressed concerns about the traffic leading to the on ramp at 64 at the Northampton Boulevard entrance once the outlet mall is built.

6. Donald Hornstein, 608 Colonial Avenue, #5, expressed concerns about 161 Granby Street.
7. Joe Cook, 1147 Surry Crescent, spoke concerning the 2011 Priorities of the City in regards to safe and healthy communities, sustainability of the environment, the impact of coal dust and traffic. He said that he felt he was receiving impartial treatment, by making him the last person to speak.
8. Danny Lee Ginn, 3845 Dare Circle, commented on good government.
9. Cecile Myrick, 2412 East Virginia Beach Blvd., spoke concerning the rerouting of HRT bus #23. She stated that since the demolition and the closing of the street where the Tobacco Factory is located it has been an inconvenience for the seniors to catch the bus, specifically those that are handicapped. She also asked that bus service be provided for the students that walk on the extremely cold winter's days to Booker T. Washington High School.